

Amendment No. 1 to SB1823

Bailey  
Signature of Sponsor

**AMEND Senate Bill No. 1823**

**House Bill No. 1867\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 14, Chapter 6, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Employer" means an entity that:

(A) Employs one (1) or more persons within this state; and

(B) Is not subject to the prohibition against compelling proof of vaccination in § 14-2-102(a); and

(2) "Staff member":

(A) Means a person required by an employer to provide proof of vaccination or receive the COVID-19 vaccine; and

(B) Includes:

(i) A person who is employed by an employer, as of the effective date of this act, and is required by the employer to provide proof of vaccination or receive the COVID-19 vaccine; and

(ii) A person required by the employer to provide proof of vaccination or receive the COVID-19 vaccine:

(a) Who is:

(1) Licensed, registered, certified, or permitted under title 63 or title 68 to administer

health care in the ordinary course of business or practice of a profession; or

(2) A student pursuing a course of study for the purpose of becoming licensed, registered, certified, or permitted under title 63 or title 68 to administer health care in the ordinary course of business or practice of a profession; and

(b) Who, as of the effective date of this act, has been granted permission by a facility licensed under title 33 or title 68 to be present in the facility to care for or attend to patients or for clinical education.

(b) An employer that requires a staff member to provide proof of vaccination or receive the COVID-19 vaccine shall grant the staff member an exemption to the requirement if:

(1) The staff member's request for a medical exemption is supported by a statement signed and dated by a physician licensed under title 63, chapter 6 or 9 that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption and provided by the physician pursuant to Section 2 of this act; or

(2) The staff member attests in writing, including by electronic means, that the staff member has a sincerely held religious belief that prevents the staff member from complying with the requirement in accordance with guidance from the federal centers for medicare and medicaid services.

(c) An employer described in subsection (b) shall not:

(1) Take longer than ten (10) business days to grant or deny the staff member's request for an exemption;

(2) Deny a request for an exemption without providing a written statement explaining why the request was denied;

(3) Discharge, threaten to discharge, or reduce the compensation, benefits, or hours of a staff member because the staff member has requested and been granted an exemption; or

(4) For an exemption based on a religious belief pursuant to subdivision (b)(2), require the staff member to provide further proof beyond the staff member's initial statement that the staff member has a sincerely held religious belief that prevents compliance and should be granted an exemption.

(d)

(1) This section does not:

(A) Impose a duty or liability on an employer for acts or omissions prior to the effective date of this act;

(B) Except as otherwise provided in subdivision (d)(2), require an employer to change a determination made prior to the effective date of this act; or

(C) Require an employer to take or refrain from an action contrary to enforceable requirements imposed by the federal centers for medicare and medicaid services.

(2) Notwithstanding subdivision (d)(1)(B), a staff member who was terminated for not complying with a COVID-19 vaccine mandate and that termination would have been covered by this section may reapply for employment and shall not be denied employment solely because the staff member sought an exemption prior to the effective date of this act.

(e) A violation of this section is punishable by a civil penalty of ten thousand dollars (\$10,000).

(f)

(1) The attorney general and reporter shall establish a process by which violations of this section may be reported.

(2) The attorney general and reporter may bring an action against an employer that violates this section to enjoin further violations and to recover a civil penalty of ten thousand dollars (\$10,000) per violation.

(3) A civil penalty collected pursuant to this section must be paid into the general fund of this state.

(4) The prevailing party in an action brought under subdivision (f)(2) is entitled to reasonable attorney's fees, court costs, and expenses, but court costs must not be taxed against the attorney general and reporter or this state in actions commenced under this section.

(5) Jurisdiction for an action brought pursuant to this section is in the chancery or circuit court of Williamson County or the chancery court in the county where the employer is located.

(g) Notwithstanding § 14-6-102, an employer is not exempt from this section.

(h) Notwithstanding this section, a person is not prohibited from requiring another person to provide proof of vaccination as a condition to entering that person's personal residence for purposes of providing products or services.

SECTION 2. Tennessee Code Annotated, Title 14, Chapter 4, is amended by adding the following as a new section:

A physician licensed under title 63, chapter 6 or 9, who provides a person with a signed statement that the person should be exempted from a mandatory COVID-19 vaccination policy, specifies the recognized clinical reason for the exemption, and does so in the context of a physician-patient relationship as determined and governed by the rules of the relevant health-related board is:

- (1) Acting within the physician's authorized scope of practice;
- (2) Immune from civil liability for such action; and

(3) Immune from disciplinary action by a health-related board for such action.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.